

By Mr. MOON of Tennessee: Papers to accompany H. R. 1030—to the Committee on War Claims.

By Mr. NEEDHAM: Resolution of the Chamber of Commerce of San Francisco, relative to an American register for the British bark *Pyrenees*—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Chamber of Commerce of San Francisco, for the establishment of a life-saving station at Half Moon Bay—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of San Francisco, indorsing action of the President on isthmian canal matter—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of San Francisco, favoring the employment of vessels of United States for public purposes—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Chamber of Commerce of San Francisco, that none but American vessels shall be used in transportation between ports of the United States and Philippine Islands—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the board of supervisors of San Luis Obispo County, Cal., relative to the Nacimiento rancho as a site for military reservation—to the Committee on Military Affairs.

Also, letter of H. C. Murphy, M. D., relating to health conditions of Nacimiento rancho as a military reservation—to the Committee on Military Affairs.

By Mr. OTJEN: Resolution of members of the Grain Dealers' National Association of Milwaukee, in opposition to the McCumber bill (S. 199)—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Papers in support of bill H. R. 5177, granting increase of pension to William H. Clark; also, petition of D. H. Becker Post, Grand Army of the Republic, urging passage of service-pension bill; also, letter in reference to claim of Mrs. Jane E. Sutfin for a pension—to the Committee on Invalid Pensions.

Also, petition of the Ministerial Association of Auburn, N. Y., for passage of Dryden bill (S. 1261)—to the Committee on the Post-Office and Post-Roads.

By Mr. PORTER: Papers to accompany bill H. R. 8231, granting an increase of pension to John Gangwisch; also, papers to accompany bill H. R. 6365, granting an increase of pension to John W. Hay—to the Committee on Invalid Pensions.

By Mr. RIXEY: Papers to accompany bill for the relief of the legal representatives of Alexander F. Butler—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Daniel Falvy, Fort Wayne, Ind., favoring passage of bill providing for the erection of a monument to the memory of Commodore John Barry in the city of Washington, D. C.—to the Committee on the Library.

Also, petition of Elkhart Carriage Company, of Auburn, Ind., in favor of reduction of taxes on alcohol—to the Committee on Ways and Means.

By Mr. SCOTT: Petition of the Presbyterian Church of Chanute, Kans., favoring passage of the Hepburn interstate liquor bill—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of Thomas Brennan Post, No. 380, Grand Army of the Republic, at National Military Home, Kans., favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SHULL: Paper to accompany bill to pension Mary D. Haintz—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Papers to accompany bill for the relief of Elizabeth A. Ballew—to the Committee on War Claims.

Also, petition of citizens of Mills County, Tex., favoring increase of pension for Mexican-war veterans—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Papers to accompany bill H. R. 1795, granting a pension to Lucy B. Culver—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: Petition of citizens of Ava, Ill., protesting against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WM. ALDEN SMITH: Resolutions of the Detroit Branch of the National League of Commission Merchants, favoring increase in scope of powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Resolutions of Daniel Miller Post, No. 78, Department of Ohio, Grand Army of the Republic, in favor of a service-pension law; also, paper to accompany bill granting a pension to Susan R. Estell; also, paper to accompany bill granting a pension to Sarah Kyle—to the Committee on Invalid Pensions.

By Mr. SPALDING: Petition of citizens of Mayville, N. Dak., protesting against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petitions of German Farmers' Mutual Fire Insurance Association and of the Muenster Schuetzenverein, of Muenster, Cook County, Tex., in opposition to the Hepburn and Dolliver bills—to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Lexington, Ill., favoring a constitutional amendment forbidding polygamous marriage—to the Committee on the Judiciary.

Also, petition of citizens of Saybrook, Ill., favoring passage of service-pension law—to the Committee on Invalid Pensions.

By Mr. SULZER: Memorial of New York Board of Trade and Transportation, for the improvement of Bronx Kills, an arm of the East River—to the Committee on Rivers and Harbors.

Also, a statement of the San Miguel Improvement Club, of San Miguel, Cal., concerning the Nacimiento Rancho as a proposed military camp—to the Committee on Military Affairs.

Also, resolutions of Moses F. Odell Post, No. 443, Department of New York, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Grain Dealers' National Association, at Minneapolis, October 8, 1903, in opposition to the McCumber bill—to the Committee on Interstate and Foreign Commerce.

By Mr. TAWNEY: Papers to accompany bill to increase pension of Alida M. Utter; also, papers to accompany bill to pension Samuel A. Rask—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Resolutions of J. E. Coomer Post, No. 281, Grand Army of the Republic, of Ohio, in favor of a service-pension law—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, January 6, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE, D. D. Mr. THOMAS KEARNS, a Senator from the State of Utah, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BEVERIDGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Mary E. Heustis, executrix of David Heustis, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Cornelius Donato, administrator of Auguste Donato, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Virginia A. Jones, administratrix of Samuel J. Jones, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, and the opinion of the court, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Maria*, Edward Watts, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel brigantine *Speedwell*, James Crawford, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ACCEPTANCE OF ROYAL DECORATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, requesting authority for Capt. (now Rear-Admiral) D. H. McCalla, of the United States Navy, to accept a decoration conferred upon him by the King of

Great Britain, etc.; which was referred to the Committee on Foreign Relations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 2022) to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition; and

A joint resolution (H. J. Res. 64) authorizing the Commissioners of the District of Columbia to permit the erection of certain poles and overhead wires in connection with the work of eliminating grade crossings in the city of Washington.

PETITIONS AND MEMORIALS.

Mr. HANSBROUGH presented a petition of the American Forestry Association, praying that an appropriation be made for the improvement and construction of roads and trails within the national forest reserves; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Granville, N. Dak., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of St. Thomas, N. Dak., and a petition of sundry citizens of Ward County, N. Dak., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GORMAN presented a petition of the congregation of Montford Avenue Methodist Episcopal Church, of Baltimore, Md., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BALL presented a petition of sundry citizens of Middletown, Del., and a petition of the congregation of the Presbyterian Church of Glasgow, Del., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BEVERIDGE presented petitions of sundry citizens of Redkey, of the congregation of the Methodist Episcopal Church of Centerville, and of the congregation of the Methodist Episcopal Church of Redkey, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. TELLER presented petitions of sundry citizens of Denver; of the congregation of the German Evangelical Church of Leroy; of the Woman's Christian Temperance Union of Colona; of the congregation of the Congregational Church of Grand Junction; of the congregation of the First Presbyterian Church of Grand Junction; of sundry citizens of Grand Junction; of the congregation of the Baptist Church of Grand Junction; of the congregation of the Presbyterian Church of Lasalle; of the Woman's Christian Temperance Union of Canon City; of the congregation of the First Baptist Church of Canon City; of the congregation of the First Christian Church of Canon City; of the congregation of the First Presbyterian Church of Boulder; of the congregation of the First Presbyterian Church of Lamar; of the Woman's Christian Temperance Union of Idaho Springs; of the Woman's Christian Temperance Union of Montrose; of the congregation of the Christian Church of Colorado City; of the congregation of the First Methodist Episcopal Church of Colorado City; of the Woman's Christian Temperance Union of Denver; of the Woman's Christian Temperance Union of Georgetown; of the Epworth League of Cedar Ridge; of the congregation of the First Baptist Church of Colorado Springs; of the congregation of the Twenty-third Avenue Presbyterian Church, of Denver, and of the congregation of the Hyde Park Presbyterian Church, of Denver, all in the State of Colorado, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CULLOM presented a petition of Local Union No. 10877, American Federation of Labor, of Polo, Ill., and a petition of Local Union No. 1064, United Mine Workers of America, of Morris, Ill., praying for the passage of the so-called eight-hour bill and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Lexington and Bloomington; of the congregation of the Central Presbyterian Church, of Rock Island, and of the Woman's Christian Temper-

ance Union of Ottawa, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. QUAY presented petitions of the Woman's Christian Temperance Union of Mill Town, of sundry citizens of Philadelphia, and of sundry citizens of Mill Town, all of the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to require the employment of vessels of the United States for public purposes; which was referred to the Committee on Commerce.

He also presented a petition of the New York Board of Trade and Transportation, of New York City, praying that an appropriation be made for the improvement of Bronx Kills, an arm of the East River in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that American vessels be used between the ports of the Philippine Islands and the United States; which was ordered to lie on the table.

Mr. MITCHELL presented sundry papers to accompany the bill (S. 324) granting a pension to Chancy Akin; which were referred to the Committee on Pensions.

REPORT OF COMMITTEE ON PUBLIC LANDS.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 1558) to grant to the State of Minnesota certain vacant lands in said State for forestry purposes, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BALL introduced a bill (S. 3043) for the relief of the estate of the late John Jacoby; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3044) granting a pension to Lucy McEntee Andrews;

A bill (S. 3045) granting an increase of pension to Taylor Pugh;

A bill (S. 3046) granting a pension to Martha Downham; and

A bill (S. 3047) granting an increase of pension to Fisher Ames.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3048) granting an increase of pension to Marie J. Spicely (with an accompanying paper);

A bill (S. 3049) granting an increase of pension to Erastus Van Eaton (with an accompanying paper); and

A bill (S. 3050) granting an increase of pension to Clara M. Mitchell (with an accompanying paper).

Mr. BEVERIDGE. I introduce a bill for the relief of Thomas Lutz Stitt, an ensign in the United States Navy. Accompanying the bill are certain papers. I ask that fifty copies of these papers be printed for the use of the Committee on Naval Affairs.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The bill (S. 3051) for the relief of Thomas Lutz Stitt, an ensign in the United States Navy, was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. BEVERIDGE introduced a bill (S. 3052) to correct the military record of Henry T. Phillips; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3053) granting an increase of pension to Emma E. S. Wright; and

A bill (S. 3054) granting an increase of pension to Kate M. Strange (with an accompanying paper).

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3055) for the relief of the legal heirs of the late L. Claiborne Jones;

A bill (S. 3056) for the relief of the Presbyterian Church of Strasburg, Shenandoah County, Va. (with an accompanying paper);

A bill (S. 3057) for the relief of the St. Thomas Episcopal Church, of Middletown, Frederick County, Va. (with an accompanying paper);

A bill (S. 3058) for the relief of the Mount Zion Methodist Episcopal Church, of Middletown, Frederick County, Va. (with an accompanying paper):

A bill (S. 3059) for the relief of the Methodist Episcopal Church of Middletown, Frederick County, Va. (with an accompanying paper); and

A bill (S. 3060) for the relief of Robert H. Beverley.

Mr. CULBERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3061) for the relief of Frank H. Church, administrator of the estate of Cornelius Clay Cox;

A bill (S. 3062) for the relief of the heirs of William W. Leftwich;

A bill (S. 3063) for the relief of Michael W. Loeb and Frederick Manzenheimer; and

A bill (S. 3064) to confer jurisdiction on the Court of Claims in the case of Elizabeth A. Gill and others, legatees and heirs at law of W. H. Gill, deceased (with accompanying papers).

Mr. TELLER introduced a bill (S. 3065) to extend the term of certain letters patent of the United States issued to David H. Foreman; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 3066) for the relief of William H. Gowdy and his sureties; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3067) for the relief of Joseph A. Jennings; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3068) for the relief of James Inman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3069) to remove the charge of desertion against Charles L. Thompson;

A bill (S. 3070) granting an honorable discharge to Henry B. Wise, alias Henry W. Bach;

A bill (S. 3071) for the relief of Wilbur F. McCue; and

A bill (S. 3072) for the relief of Charles F. Leimer.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3073) granting an increase of pension to John H. Smith (with accompanying papers);

A bill (S. 3074) granting an increase of pension to Isaac Davisson;

A bill (S. 3075) granting an increase of pension to Emma J. Kanady;

A bill (S. 3076) granting a pension to Arthur W. Post (with an accompanying paper);

A bill (S. 3077) granting an increase of pension to Louisa A. Brown (with an accompanying paper);

A bill (S. 3078) granting an increase of pension to Baronet Gow;

A bill (S. 3079) granting a pension to Helen J. Savage;

A bill (S. 3080) granting an increase of pension to Hannibal H. English; and

A bill (S. 3081) granting an increase of pension to Sarah A. Creed.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3082) granting a pension to Verona Harriman;

A bill (S. 3083) granting a pension to Mary Sherman;

A bill (S. 3084) granting an increase of pension to Helen F. Nichols; and

A bill (S. 3085) granting an increase of pension to Alexander Lane.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3086) to pension volunteer army nurses;

A bill (S. 3087) granting an increase of pension to Maria Leuckart (with an accompanying paper); and

A bill (S. 3088) granting an increase of pension to Mary Jane Schnure (with an accompanying paper).

Mr. PLATT of Connecticut introduced a bill (S. 3089) to authorize deputy United States marshals to sign official checks in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3090) granting an increase of pension to Camel L. Farmer (with an accompanying paper);

A bill (S. 3091) granting a pension to David P. Mering;

A bill (S. 3092) granting an increase of pension to James Hill;

A bill (S. 3093) granting an increase of pension to Carlton R. Gatton;

A bill (S. 3094) granting an increase of pension to James Breeze;

A bill (S. 3095) granting an increase of pension to W. P. Renfro;

A bill (S. 3096) granting an increase of pension to Lewis W. Whittington;

A bill (S. 3097) granting an increase of pension to George W. White;

A bill (S. 3098) granting a pension to Napoleon B. Greathouse;

A bill (S. 3099) granting a pension to Jennie C. Curtis;

A bill (S. 3100) granting an increase of pension to Howard Wiley (with an accompanying paper);

A bill (S. 3101) granting an increase of pension to Albert Nimmerguth (with an accompanying paper); and

A bill (S. 3102) granting a pension to Thomas Summers.

Mr. CULLOM introduced a bill (S. 3103) for the relief of J. C. Brooks; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3104) to correct the military record of Stephen W. Coakley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3105) for the relief of Elias E. Barnes; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 3106) granting a pension to John N. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3107) providing for rank and pay for certain retired officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GORMAN introduced a bill (S. 3108) authorizing the appointment and retirement of Charles Chaillé-Long with the rank of colonel, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 3109) to provide for the examination of certain officers of the Navy, and to regulate promotions therein;

A bill (S. 3110) to provide for the convening of general courts-martial at remote naval stations;

A bill (S. 3111) to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain all reservations which are not needed for naval purposes;

A bill (S. 3112) to enable naval courts-martial and courts of inquiry to secure the attendance and testimony of civilian witnesses;

A bill (S. 3113) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent;

A bill (S. 3114) to authorize the use of depositions before naval courts in certain cases; and

A bill (S. 3115) authorizing the transfer to the Secretary of the Treasury, for quarantine purposes, of dismantled naval vessels or hulks.

Mr. HALE introduced a bill (S. 3116) granting an increase of pension to Horace R. Weston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3117) to expedite business in the district court of the United States for the district of Oregon; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. PENROSE submitted an amendment providing that in any benefits by the navy personnel act of March 3, 1899, there shall be no discrimination between officers with Union war service who were transferred to the retired list prior to said act and officers with like service so transferred subsequently thereto, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

SUSAN ELIZABETH CURTIS.

Mr. PLATT of New York submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Susan Elizabeth Curtis, widow of Oscar H. Curtis, late clerk in the office of the Secretary of the United States Senate, a sum equal to six months' pay at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

SECESSION OF PANAMA.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate a resolution which will be read by title.

The SECRETARY. Senate resolution No. 66, submitted by Mr. MORGAN December 18, 1903, that neither the President, nor the President and the Senate, as the treaty-making power of the United States, has the lawful power to wage or declare war against any foreign power without the consent of Congress, when such country is at peace with the United States, etc.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. MORGAN. Mr. President, I would be very much obliged to the Senate if it should indulge me by allowing this resolution to go over until to-morrow without prejudice, for the reason that my duties upon the Committee on Foreign Relations and some other duties that are absolutely imperative have prevented me from having an opportunity of even reading the speech to which I desire to make some reply, that is, the speech of the junior Senator from Massachusetts [Mr. LODGE], a very able and extensive speech, involving great questions of law. I should very much prefer, if the Senate would indulge me, to go on to-morrow.

Mr. SPOONER. I hope that will be done.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that this resolution may be taken up for consideration to-morrow immediately after the completion of the routine business of the Senate. Is there objection? The Chair hears none, and that order is made.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PENROSE December 10, 1903, as follows:

Resolved, That the Public Printer be, and he is hereby, directed to communicate to the Senate, in the same form as in Senate Document No. 59, Fifty-fourth Congress, second session, the names of all persons upon either the permanent, emergency, or temporary roll of the Government Printing Office who were employed therein during the fiscal years 1895 to 1902, inclusive, who did not receive any leaves of absence during those fiscal years or pay for unused leaves of absence, and the amount which such person would have received for each of said fiscal years, separately, if leave pay had been allowed either in full or pro rata upon the basis of thirty days for each fiscal year, the amount so computed to be according to the pay received and the service performed by such persons during each of said fiscal years.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

POWERS OF COLOMBIAN GOVERNMENT.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary proceeded to read the resolution submitted by Mr. CULBERSON December 11, 1903, which is as follows:

Whereas by the constitution of Colombia, adopted in 1886, it is provided: "ARTICLE 1. The Colombian nation is reorganized as a centralized republic. "ART. 2. The sovereignty resides essentially and exclusively in the nation, and from it emanate the public powers which shall be exercised within the limits prescribed by this constitution;" and Whereas by said constitution it is also provided: "ART. 4. The territory, together with the public property therein contained, belongs exclusively to the nation;"

Resolved, That the Committee on the Judiciary of the Senate is directed to consider and report as early as practicable to the Senate whether the inhabitants and residents of the Department of Panama may lawfully form a distinct, separate, and independent government in that territory, and particularly whether there is any governmental authority other than Colombia empowered to grant in perpetuity the use, occupation, and control of land and waters in the territory of Panama, with full and complete sovereignty over the same.

Mr. CULBERSON. Mr. President, that resolution lies on the table subject to my call, under the general understanding.

The PRESIDENT pro tempore. That request has not been made or complied with. Does the Senator make it now?

Mr. CULBERSON. A general request was made several weeks ago by the Senator from Georgia [Mr. BACON] and again several days ago, and it included, or was intended to include, this resolution. However, I make the request now.

The PRESIDENT pro tempore. The Senator from Texas asks that the resolution may lie on the table subject to his call.

Mr. SPOONER. As I recollect it, when the Senator introduced the resolution he moved its reference to the Committee on the Judiciary.

Mr. CULBERSON. No; the motion was made, I think, by the Senator from Illinois [Mr. CULLOM]. It was made by some Senator on the other side.

Mr. CULLOM. The motion was made, I think, by the Senator himself to refer it to the Judiciary Committee for investigation.

Mr. CULBERSON. Not at all.

Mr. SPOONER. What does the RECORD show?

Mr. CULLOM. If that is not true, I am very glad of it, because I should regard it as an absolute insult to the Committee

on Foreign Relations to have it go to any other committee. I am glad to know that the Senator from Texas did not make the motion.

Mr. CULBERSON. I would regret very much indeed if the Senator from Illinois should put any such construction upon the resolution. The resolution presents, or undertakes to present, a legal question, and it provides that the Senate Committee on the Judiciary shall be directed to investigate and report upon that question. I made no motion to refer the resolution to any committee. I want to have it adopted by the Senate at the proper time if I can secure that action.

Mr. CULLOM. I hope the resolution will be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from Illinois entered that motion at the time the resolution was offered.

Mr. CULLOM. I thought so, but I did not know whether it was entered or not.

The PRESIDENT pro tempore. The Senator from Texas now asks that the resolution may lie on the table subject to his call. Is there objection?

Mr. CULLOM. I have no objection.

The PRESIDENT pro tempore. The Chair hears none, and that order is made.

A. R. CRUZEN.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CARMACK December 15, 1903, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether any report has been made to the Treasury Department by L. Cullom, special agent of the Treasury, with respect to the conduct of A. R. Cruzen, collector of customs in Porto Rico; and, if so, to transmit the same to the Senate with a statement of what action, if any, has been taken thereon.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. ALLISON. I ask the Senator from Tennessee to allow the resolution to lie over for a day or two.

Mr. CARMACK. Has the Senator any special reason why it should lie over? I should like to see the resolution adopted. I do not see any special objection to it.

Mr. ALLISON. I have a special reason, which I will indicate to the Senator.

Mr. CARMACK. Very well, Mr. President, let the resolution go over.

The PRESIDENT pro tempore. The Chair wishes to understand just how it is to go over.

Mr. ALLISON. I ask that the resolution may go over to-day without losing its place.

Mr. CARMACK. Subject to call.

The PRESIDENT pro tempore. That changes it entirely. The Senator from Tennessee asks that the resolution may lie on the table subject to his call.

Mr. CARMACK. No; I do not make that request.

Mr. ALLISON. I have no objection to it.

Mr. CARMACK. I do not care if it comes up to-morrow.

The PRESIDENT pro tempore. The request, then, is that it lie on the table, retaining its place. Is there objection to that request? The Chair hears none.

POST-OFFICE DEPARTMENT INVESTIGATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CARMACK December 16, 1903, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads, in view of the charges of corruption, extravagance, and violations of law in the administration of the affairs of the Post-Office Department, is hereby instructed to direct the Postmaster-General to send to the committee all papers connected with the recent investigation of his Department, and said committee shall make further inquiry into the administration and expenditures of the said Department, and make report thereon to the Senate upon completion of said investigation on or before the 1st day of May, 1904.

Resolved, That said committee shall have power to send for persons, books, and papers; examine witnesses under oath, and sit, by subcommittee or otherwise, during the sessions of the Senate at such times and places as the committee may determine.

Mr. LODGE. I move to refer the resolution to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to refer the resolution to the Committee on Post-Offices and Post-Roads.

Mr. CARMACK. Is debate in order under that motion?

The PRESIDENT pro tempore. It is in order.

Mr. CARMACK. Mr. President, I do not care to make any extended speech, but it seems to me that there can be no objection in the world to the adoption of the resolution, if the Senate really

desires to have all the facts in regard to the matter. I know it has been urged that Congressional investigations are unnecessary and futile; that they accomplish nothing; but I think the facts are very far otherwise. There have been some very important Congressional investigations that have accomplished a great deal in the way of exposing wrongdoing, fraud, and corruption in the various Executive Departments of the Government. The reports thus far made indicate and declare that further investigation is needed in this case.

It seems a very strange principle to me to announce that we can only have an investigation of the Executive Departments conducted by themselves. If that is to prevail, if every charge of wrongdoing, corruption, and malfeasance made against any of the Executive Departments of the Government is to be investigated only by the Executive Departments of the Government, it will not be many years until every Department in the city of Washington will be a stench in the nostrils of the people. The only safeguard is to have a thorough investigation by committees of Congress of the Executive Departments, and not leave the Executive Departments to investigate themselves, and to be the only witnesses with respect to charges of fraud and corruption.

We had an investigation some years ago of the War Department, resulting in the Belknap impeachment. That was initiated by a committee of the House of Representatives of which the Senator from Kentucky [Mr. BLACKBURN] was the chairman, resulting, as I said, in the impeachment of the Secretary of War. We had the star-route investigations and exposure, also initiated and carried on by a committee of Congress; the investigation of the Navy Department, showing a condition of rottenness there, and the Crédit Mobilier investigation. The whisky-ring investigation was begun, I believe, by an Executive Department and carried on by an Executive Department of the Government, but it is a notorious fact that that investigation was hampered by the Executive; that President Grant's known propensity for standing by his friends to a very large degree thwarted that investigation, and to such an extent that Secretary Bristow resigned his office.

I say there ought to be an investigation of all these scandals by a committee of the Senate, and it seems to me there ought to be no objection to such a course, if the Senate really desires, as I have no doubt the Senate does, to get at all the facts and let the country know the true condition of affairs in the Post-Office Department.

Mr. TELLER. Mr. President, I do not care to express any opinion as to the immediate necessity of this investigation. I simply wish to join the Senator from Tennessee in saying that under no circumstances or conditions ought the legislative branch of the Government ignore its power and its right to investigate charges of fraud in the executive department of the Government. There never has been a time in the history of this country when the legislative branch has not asserted that right. I do not myself think it is any answer to a resolution to say that the Department will do this work thoroughly. Admit it, and I admit now that the Department will do that work thoroughly; nevertheless, charges having been made, the people of the United States are entitled to have an examination of all the charges and all the facts by a body that has no immediate connection with the transaction. It will be infinitely better for any Administration to have any such questions settled, not by the Department itself, but settled by this or the other body of Congress.

Without expressing any idea that there is any lack of zeal or honesty or anything of that kind on the part of the Department, I think we owe it to ourselves and we owe it to the country when these scandals are brought to the public, if there is any question raised by anybody here or anywhere else, that we should assert the right to examine them and exercise the power of examination.

Mr. LODGE. Mr. President, I think a Congressional investigation by either House is more or less a serious matter, and generally it is pretty worthless in its results, because the machinery is clumsy. But it is a serious thing to enter upon. I do not think it is good practice ever to order an investigation of this kind until the facts and everything connected with the subject have been first considered by a committee of this body. I believe that is a general rule which ought to be followed. I do not think it is good practice to enter upon sweeping investigations simply on the request of one Senator and without any committee having examined into the subject and decided whether an investigation should be entered upon or not. That is the reason why I made the motion, and I hope it will prevail.

Mr. CLAY. Mr. President, I wish to call the Senator's attention to the fact that the chairman of the Committee on Post-Offices and Post-Roads introduced a resolution similar to the one we are now discussing. That resolution was referred to a standing committee, and was reported back with a recommendation that it be adopted, except that it instructed the committee to proceed to make this investigation if the Committee on Post-Offices and

Post-Roads deemed it necessary. The junior Senator from Maryland [Mr. GORMAN] submitted an amendment directing the Committee on Post-Offices and Post-Roads to make this investigation. The chairman of the Committee on Post-Offices and Post-Roads rose in his place and accepted that amendment, and, Mr. President, I expected that the resolution as amended would be adopted without any opposition.

Mr. LODGE. If the Senator will allow me to correct him—

Mr. CLAY. With pleasure.

Mr. LODGE. That resolution was never amended.

Mr. CLAY. I am not mistaken.

Mr. LODGE. I beg the Senator's pardon; objection was made to the amendment.

Mr. CLAY. I understand it, I think, thoroughly. The amendment was offered by the junior Senator from Maryland and the Senator from Pennsylvania did accept the amendment, but there was objection to it.

Mr. LODGE. He could not accept it.

Mr. SPOONER. It was not in his power to accept it when objected to.

Mr. CLAY. It was not in his power, but the chairman of this great committee rose in his place and accepted that amendment so far as he himself was concerned, and I am surprised that there should be any objection to it.

I have no criticism, Mr. President, to make upon the investigation so far as it has gone; none in the world. But I simply say that this is a branch of the Government investigating itself. If you will read the report of the Fourth Assistant Postmaster-General you will find that he says himself that this investigation ought to go further, and that further investigation doubtless will show guilty parties both in the Department and outside of the Department. And now the special attorneys appointed to make this investigation have come forward themselves, and they have said that further investigation ought to be had. I simply say that the people expect Congress to make this investigation, and to make it thorough, with a desire to do injustice to no one.

If you will take the report of the Fourth Assistant Postmaster-General, and read it through from beginning to end, I lay down the proposition that his report demonstrates beyond question the absolute guilt of, not the present First Assistant Postmaster-General, but a retiring First Assistant Postmaster-General. I lay down the proposition, Mr. President, that he says himself that that high official—once high official—was the leading guilty party, and that the testimony was overwhelming against him. If that be true he ought to be indicted.

Mr. President, I desire to take up but a few minutes of the time of the Senate. So far as the present First Assistant Postmaster-General is concerned, when I refer to that office I have no reference to him. My observation has taught me that Mr. Wynne is a faithful officer and has done much to bring about this investigation. If you will read the report of the special attorneys appointed to make the investigation and if you will read the report of the Fourth Assistant Postmaster-General you will find they all ask that a most thorough investigation be had of this entire transaction from the beginning to the end.

Now, Mr. President, take the first report of the Fourth Assistant Postmaster-General, and what does he say?

No mention is made in the President's memorandum of ex-Assistant Postmaster-General Heath's part in the irregularities of the Department, except in a parenthesis, calling attention to what Fourth Assistant Bristow has to say regarding him. In Mr. Bristow's allusions to Heath he says that official had knowledge of some of the remarkable transactions in his branch of the Post-Office Department.

Mr. BEVERIDGE. What does the Senator read from?

Mr. CLAY. I read from the report of the Fourth Assistant Postmaster-General:

A letter is quoted, containing an inference that it would be well to cultivate the friendship of Heath and Beavers, "if not by kind words, by dollars and cents."

Mr. Bristow asserts that the transactions in the Brandt-Dent automatic cash registers would have justified the immediate removal of both Heath and Beavers. He relates statements of different witnesses that Mr. Heath received stock in more than one company furnishing the Department with different kinds of supplies, and also the statements of witnesses that shares of the "rake off" in certain instances went to Mr. Heath, although all the evidence submitted to the law offices was not of a character to warrant attempting to secure his indictment.

Now, Mr. President, if you will go a little further, if you will take the synopsis of that report and go through with it from the beginning to the end, he absolutely charges that in the office of Mr. Heath, the First Assistant Postmaster-General, all these frauds originated, and that he must have had cognizance of these frauds. Without reading them now, Mr. President, I will do credit to the Fourth Assistant Postmaster-General to say that he calls attention to the fact that in his office these frauds originated and that he was cognizant of these frauds. Then why ought subordinates to be indicted and why ought the principal to escape?

This is a synopsis of the report of the Fourth Assistant Postmaster-General. Now, again, let us see what he says regarding Mr. Heath:

Prior to 1898 large-sized post-offices, for convenience in enabling clerks to make change rapidly, were furnished with "coin trays," the prices of which ranged from \$5 to \$12, depending upon the size and construction.

During the summer of 1898 a number of the Brandt-Dent automatic cashiers were placed in different post-offices for the purpose of testing its desirability as a change-making device, and the postmasters were requested to report on their desirability. At that time Winfield S. Strawn, of Canton, Ohio, was the superintendent of agencies and George F. Miller, also of Canton, was the Washington agent.

Judge George E. Baldwin, of Canton, Ohio, father-in-law of Miller, the Washington agent, was active in his efforts to secure the introduction of the machine by the Department. The methods employed to accomplish this result are clearly set forth by the correspondence between Brandt, president of the company, and Strawn and Miller, his agents. On February 20, 1899, Miller wrote Brandt, stating:

"I am satisfied that we have the assurance and friendship of both parties—General Heath and Mr. Beavers—and all that is necessary is to cultivate that friendship, if not by kind words, by dollars and cents, and I think the latter will be the most positive; however, the lines we have out now will result in a change of programme, which means our ultimate success."

Six weeks later Strawn wrote Brandt from New York that Miller had left that day for Washington, having "succeeded in the plan to effectively reach Mr. Beavers through a Brooklyn Congressman."

On April 16, after a conference with Baldwin, his father-in-law, in Canton, Ohio, Miller wrote Strawn as follows:

"Mr. Baldwin says to find out, if possible, exactly what this man Beavers wants to insure our success in that Department in the way of dollars and cents, but not to give it to him unless forced to do so; and when we do, if at all, he desires to be present in person himself and plan the agreement."

On May 1 Strawn wrote Baldwin, stating that Brandt would like for him to come to Washington for consultation. In response to this invitation Baldwin came to Washington and held a conference with the parties interested, and as a result on May 9, 1899, an order was given by First Assistant Postmaster-General Heath for 250 machines, at \$150 each. The machines were exactly the same as those that were selling in the open market for \$125, with the exception of a slight change in the base. After the 250 machines had been disposed of additional orders were given until 527 machines had been purchased, 217 of which were shipped to postmasters without requisition.

The postmaster at Chicago, on May 31, 1899, stated that he could use but one in his office, yet on July 25, less than two months later, nine of these machines were sent to him and he was ordered to pay \$150 each for them. The postmaster at Keokuk, Iowa, advised the Department that the machine was not practicable and of no value to his office. On June 28, 1900, Beavers wrote him as follows:

"Relative to the automatic cashier in your office, you are directed to put the same into active use, as it is the desire of the Department to have a uniform system in the matter of handling cash in the larger post-offices."

It is difficult—

Says Mr. Bristow, the Fourth Assistant Postmaster-General—to understand what interest the Department could have in a systematic method of making change in the larger offices.

Nine of these machines were sent to Baltimore and only four of them are in use; twenty were shipped to Boston, of which only two are now in use, the other eighteen being stored in the basement of the post-office; twenty were sent to New York, only one of which is used, the others being an incumbrance to the office.

Of the 527 machines purchased, 173 are idle. Many of them have never been taken from the cases in which they were shipped. The aggregate amount of money paid to the Brandt-Dent Company for these useless cashiers was \$74,275.

Eliminating from consideration all indications of fraud and passing upon the case wholly as a question of administrative judgment, it appears to me that this transaction would have justified the summary removal from office of First Assistant Postmaster-General Heath and George W. Beavers.

But the element of fraud can not be eliminated.

And well does he say that it can not be eliminated.

Men of ordinary intelligence rarely waste the public revenues in such a manner without a personal motive. A bribe of \$12,500 was paid Congressman Edmund H. Driggs to secure the order for 250 machines.

Mr. President, if you will take this report of the Fourth Assistant Postmaster-General, and if you will go through with all of it, if it speaks the truth, Perry Heath, in his office, originated all this fraud from the beginning to the end.

Again, Mr. President, I want to call your attention to another fact, and that is that certain bonds were almost traced to his office in the city where he lived. I say that the ends of justice demand that a thorough, honest, and complete investigation shall be had. I stand here in my place and say that I am incapable of doing Mr. Heath or any other man an intentional wrong, but, Mr. President, justice to him, justice to all the officials, and justice to us demands that there shall be a thorough, complete, and honest investigation. If Mr. Heath has been slandered by this report of the Fourth Assistant Postmaster-General, we ought to know it. If he is guilty of the wrong that has been charged against him, he ought to be indicted and he ought to be convicted. Now, again:

THE MONTAGUE INDICATOR.

The Montague indicator is a device attached to street letter boxes showing the hours of collection. It was promoted by W. W. Montague, postmaster at San Francisco, Cal., and D. S. Richardson, a cashier in that office.

A company was organized in 1899 with a capital stock of \$100,000, consisting of 20,000 shares, par value \$5. Immediately after the company was organized Richardson and James W. Erwin, at that time a post-office inspector, visited Washington for the purpose of securing the adoption of the device by the Post-Office Department.

Richardson consulted George W. Beavers, who told him that to insure success he ought to distribute stock among the officials who had charge of the matter. Acting upon this suggestion, Richardson gave Machen 1,000 shares of the stock, who requested that it be issued in the name of H. G. Seger, and Beavers 2,000 shares that were issued in the name of Richardson. A short time after this gratuitous distribution of stock an order was given for 7,000 indicators at \$4.25 each.

Seger, in whose name the stock donated to Machen was issued, says he bought this stock from Machen and paid him \$1,200 for it. There is a mystery about the true ownership of the 2,000 shares given to Beavers. It was issued in the name of D. S. Richardson, and at Beavers's suggestion assigned to John R. McDonough. The first dividend, consisting of \$120, was forwarded to Beavers February 6, 1901, and acknowledged by him in the following letter:

This to my mind is a very suspicious transaction.

[Personal.]

WASHINGTON, February 20, 1901.

MY DEAR MR. RICHARDSON: Yours of February 6, with inclosure, duly received. I will hold the papers in your name for the present until something decisive is known. I am glad to know that the matter promises so well. I have not seen Mr. Heath, but will make another effort to-day. He is mighty hard to locate just now—

And he is mighty hard to locate, it seems by this testimony—

being busy on national committee matters. Give my regards to all inquiring friends, and believe me,
Very truly, yours,

G. W. BEAVERS,
Superintendent.

MR. D. S. RICHARDSON,
Room 7, Mills Building, San Francisco, Cal.

This was in February, 1901, and the stock was still in Richardson's name and apparently in Beavers's possession. In August, 1902, Beavers again wrote:

[Personal.]

WASHINGTON, August 21, 1902.

DEAR RICHARDSON: Our friend in Salt Lake—

That is Mr. Heath; that is where he resides—

wants the inclosed stock drawn in the name of Edwin B. Bacon. Kindly issue new certificates and have these destroyed. Forward same to me by registered mail.

Yours, very truly,

G. W. BEAVERS.

MR. D. S. RICHARDSON
(Care Postmaster, San Francisco, Cal.).

These letters were secured from Richardson by the inspectors. On the face of the last letter is indorsed in lead pencil, in the handwriting of R. H. E. Espey, secretary of the company, "Editor Salt Lake Tribune," and on the back, "133 S. West Temple" and "9th E. and Brigham," the first being Perry S. Heath's office address and the second his home at that time. The "inclosed stock" referred to in the last letter consisted of 1,000 of the shares given to Beavers on December 27, 1899.

Edwin B. Bacon is a citizen of Louisville, Ky., Heath's uncle by marriage, and said to be one of his most intimate friends. This 1,000 shares issued to Edwin B. Bacon was returned to the company anonymously in a blank envelope after this investigation began. Bacon states that he never saw the stock and did not know that it was in existence. Heath refused to make a written statement, but stated verbally to Inspector Simmons that he never heard of the stock and had no interest in the company, directly or indirectly.

Machen alleges that what he did for this company was at the earnest solicitation of ex-Congressman Loud.

But that is all denied. There is no reflection in the report upon Mr. Loud, and I do not believe anybody could make any reflection upon him, for personally I believe Mr. Loud is an honest man.

I want to say, however, Mr. President, that if you will take the report of the Fourth Assistant Postmaster-General and read it through from beginning to end, you will find that there is but one conclusion to be reached, that he was satisfied beyond doubt that the guiltiest person among all these parties charged with this wrong was the retired First Assistant Postmaster-General. As a matter of justice, I ask myself, in examining this report, Why should fourteen subordinates be indicted, why should they be arraigned in indictment after indictment, when the Fourth Assistant Postmaster-General himself says that the real guilty party was the First Assistant Postmaster-General who has retired from office?

Mr. President, I take the position that the fact that a man has a high public office is no reason why he should be excused for wrongdoing. I do not hesitate to say that if this report reflects upon Mr. Heath wrongfully, then he ought to be vindicated, and that vindication ought to come most cheerfully from the Committee on Post-Offices and Post-Roads. I am sure for one that I can do justice to him or to any other person charged with wrong.

I say, however, Mr. President, that if you will read the summing up of this case by the President himself, you will find that the President reflects most seriously upon the conduct of Mr. Heath. We know that the newspapers have told us that the President of this great Republic wanted Mr. Heath to retire from the high position he now holds in the councils of his party. We know that we are told, Mr. President, from other sources that, regardless of the great wrongs with which Mr. Heath is charged, he shall never be retired from that important position which he holds.

I lay down the proposition that one in high life and holding an important and responsible position should be held to the strictest account. If he has been wronged let this Congress vindicate him, let the Committee on Post-Offices and Post-Roads make a most thorough and complete investigation, and let that investigation reveal the truth. Undoubtedly the two special attorneys expected a further investigation to be made. Much valuable information has been given to us by Mr. Wynne, the First Assistant

Postmaster-General, and when I take up this report and go through with it I am astounded at the frauds which have been committed in the Post-Office Department.

I make no criticism upon those investigations so far as they have gone; but I stand here and say that I am astounded to find that notwithstanding the testimony which has been produced against the late First Assistant Postmaster-General, which is overwhelming, he has never been indicted nor has never been arrested.

In the interest of justice, in the interest of fair play, in the interest of good government, in the interest of honest and clean and just administration, this investigation ought to be had.

Mr. President, I had before me a minute ago, and I want to call attention to it, the report of Mr. Bonaparte and Mr. Conrad. They recommend that a most thorough and complete investigation be ordered. We know that the President has himself said that this matter ought to be investigated; we know that the Fourth Assistant Postmaster-General has said the same; we know that the chairman of the Committee on Post-Offices and Post-Roads was willing to accept an amendment directing that this investigation be made, and I am surprised that my friend the junior Senator from Massachusetts [Mr. LODGE], a member of the Committee on Post-Offices and Post-Roads, should object to it.

Mr. President, an investigation ought to be had so as to let both sides of the Chamber see exactly what has been done. The Department has investigated itself, but are we here simply to say that when a branch of the executive department investigates itself we are through with it? I do not hesitate to say in the interest of good government—and I do not care what party may be in power, whether it be the Republican or the Democratic party—I believe all the Departments of the Government ought to be investigated every four years. There ought to be a thorough accounting in the interest of good government. I do not speak as a partisan. I simply speak as one who desires to see justice done, and nothing more.

Mr. PENROSE. Mr. President, I am as earnestly in favor of the passage of a resolution to investigate the Post-Office Department as is the Senator from Georgia [Mr. CLAY], a distinguished member of the Committee on Post-Offices and Post-Roads. The resolution which was offered by me was offered in good faith. I cheerfully accepted the amendment of the junior Senator from Maryland [Mr. GORMAN] fixing a date prior to which that resolution called for a report, and directing the committee to make it. There seems, however, to be some diversity of opinion as to the phraseology and details of such a resolution. I therefore move that the resolution of the Senator from Tennessee [Mr. CARMACK], the resolution offered by myself, the amendment offered by the junior Senator from Maryland, and those which may have been offered by any other Senator pertaining to this subject, be referred to the Committee on Post-Offices and Post-Roads, and, as chairman of that committee, I pledge myself to call the committee together at an early date and to make a prompt report on this subject.

Mr. TELLER. Mr. President, I do not know, as a question of orderly procedure, that there is any serious objection to the motion just made by the Senator from Pennsylvania [Mr. PENROSE].

I addressed some brief remarks to the Senate a few moments since because I did not want a wrong practice to grow up here, either by precedent or by what has been said, to the effect that this body is not as capable as any other tribunal of investigating any question of this character. We have the right, and more than that, it is the duty of this body to make such investigations at the proper time.

The PRESIDENT pro tempore. Will the Senator from Colorado suspend for a moment?

Mr. TELLER. Certainly.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] entered a motion to refer the pending resolution to the Committee on Post-Offices and Post-Roads. The Senator from Pennsylvania [Mr. PENROSE] has also made a similar motion, covering other resolutions and amendments connected with the same subject. Does the Senator from Massachusetts withdraw his motion?

Mr. LODGE. I withdraw my motion, as the motion of the Senator from Pennsylvania covers the whole subject.

The PRESIDENT pro tempore. Then the motion of the Senator from Pennsylvania [Mr. PENROSE] will be regarded as the pending motion.

Mr. TELLER. The junior Senator from Massachusetts [Mr. LODGE] has told us, if I understood him correctly, that this body is not properly equipped for an investigation of this kind, or not so thoroughly equipped as is the other House.

Mr. LODGE. Oh, no. The Senator misunderstood me entirely.

Mr. TELLER. What did the Senator say?

Mr. LODGE. I referred to Congress. I said Congressional investigations, I thought as a rule, have proved pretty worthless;

that the machinery of a Congressional investigation was exceedingly clumsy, and I think it is.

Mr. TELLER. Mr. President, so far as the House of Representatives is concerned, it acts independently upon these questions if it sees fit to do so, and there are some cases where evidently the House of Representatives ought to proceed—as, for example, in a case where there is a liability of an impeachment of some executive officer; but in every other case this Senate has absolutely the same authority that the House has, and we can not afford to avoid inconvenience or to avoid embarrassment, when a question of this kind comes here to make a precedent, by declining to enter upon an investigation.

I am not complaining, and I want it distinctly understood that I am not complaining, of the investigation so far as it has gone. It does not seem to be satisfactory to some, and it can not be satisfactory when you consider the fact that this incipient investigation has charged a violation of the statutes upon members of this body and members of the other branch of the legislative department of the Government.

The report of itself indicates that there has been a violation of a statute that has been upon our statute book for many years in that contracts have been made by the Post-Office Department with Members of the House of Representatives and members of the Senate. If there was no other reason why this Senate should investigate, that charge, which is a charge of a penitentiary offense against members of this body, is sufficient ground for such an investigation.

I do not suppose it is necessary for me to read the statute. I assume everybody understands what it is—that I have no right to contract with the Government for the use of a building for a post-office nor to contract for a post-road, or anything of that kind.

Mr. SPOONER. Anything in which you have an interest.

Mr. TELLER. Anything in which I have an interest is precluded and prohibited from being the subject of a contract between the Government and me by the very plain and explicit terms of a statute that has been on the statute book for I do not know how long, but at least as long as I have been in public life.

Mr. COCKRELL. Ever since 1862.

Mr. TELLER. Recently there was a statement made in the public press that a contract had been made with a member of this body for the lease of a post-office building in plain violation of that statute. What is the answer to it? What answer comes apparently from the Post-Office Department? "We could make a better contract with the Senator than we could make with anybody else." Mr. President, is not that a most remarkable and astonishing declaration? I do not know that it came from the Post-Office Department. If it did, I do not know that it came from anybody with authority; but that is the best reason given why this contract was made. Where does the Postmaster-General, where does the President of the United States, or where does anybody else get the right to suspend a statute of this kind?

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I will yield to the Senator in a moment. I do not say here that any such contract has been made, but I do say that there is an inference in the report of the Fourth Assistant Postmaster-General that such contracts have been made in violation of the statute. The public press has so declared, and it has named the Senator who has made such a contract. Now I yield to the Senator from Ohio.

Mr. FORAKER. Mr. President, I rose simply to say that while I have no positive knowledge on the subject, yet I understand that the lease to which the Senator refers of a post-office building now belonging to a Senator, a member of this body, was made before that Senator became the owner of that building; that when he became the owner he did not even have knowledge of that fact, and that he has been trying ever since he learned the facts to get rid of the lease, and had petitioned the Post-Office Department, long before anything was said about it in the newspapers, to cancel the lease and take the post-office to some other building. I think it is due to the Senator, if I understand the reference that the Senator from Colorado has made, that this statement should be made, the Senator to whom reference has been made being now absent from the Chamber and out of the city.

Mr. TELLER. If the statement made by the Senator from Ohio is correct—and I will accept it as being so—then a gross slander has been perpetrated upon the Senator referred to.

Mr. FORAKER. Undoubtedly.

Mr. TELLER. And if it is not correct—

Mr. FORAKER. Mr. President, if the Senator will allow me, I interrupted him only because I knew he would not want to make a statement that was not justified by the facts in the absence of that Senator who is away, being out of the city on business. I have no personal knowledge on the subject, but I understand the facts to be as I just now stated.

Mr. TELLER. Mr. President, I did not assume that the charge against the Senator was true. I assumed, as the public press had so declared, that common decency and common self-respect required us to look into that charge.

I would not have alluded to a public-press statement of that kind if there had not been a similar statement in the report of Fourth Assistant Postmaster-General Bristow, or a statement equivalent to that. This matter has already attracted the attention of Members of the other body, and they, too, are standing under the charge that some Member of that body has been guilty of a penitentiary offense under our statute.

Mr. President, I do not want to give this matter any political cast. I am saying here what I would say if the party with which I am affiliated were in power, and it were a question of the investigation of a Department presided over by a Democrat.

I am speaking in the interest of good government. I am speaking in the interest of letting the people of the United States know, if there have been infractions of the law either by the taking of money by some subordinates or by making contracts in violation of the statutes of the United States, that at least the Senate of the United States does not mean to condone such violations, either in the interest of party or in the interest of individuals.

It is unfortunate that this scandal as to the Post-Office Department arose. Nobody regrets it more than I do. I believe that for many years we have had a fair record for honesty and integrity in the Executive Departments of the Government. I should think, if I was not compelled to believe otherwise, that there is not now any particular truth in these statements; but the investigation which has been so thoroughly conducted by the Fourth Assistant Postmaster-General shows the necessity for further investigation, and I say here now that no party which may be in power can afford to stifle an investigation when it is demanded by any respectable person, certainly not when it is demanded by a member of this body.

I will make no allusion to individuals. I know some of the men charged, and I was surprised beyond measure when I heard that they had been charged with an offense. I do not mean to assume here that they are guilty of any offense, but I do mean to assume that there has been dereliction in office of a character to attract the attention of almost the entire people of the United States—or a considerable part of them—for I will venture to say that there is not a reputable newspaper in the United States that has not had more than one article upon it. Do you think, fellow-Senators, that we who believe it is almost as important that the people should believe we are honest as it is that we should be honest can afford to sit here inactive under these circumstances? The very foundation and support of free government is in the belief in the integrity and the intelligence of the representatives, whether of the States or of the people.

I myself did not move in this matter, Mr. President. I did not know that I should until within the last few days, when further developments came to light, but the President of the United States, as the Senator from Georgia [Mr. CLAY] has said, has given his support to the proposition for a further examination and a further investigation of these alleged frauds.

Mr. President, I ask to insert as part of my remarks the sections of the Revised Statutes to which I have referred.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The sections referred to are as follows:

SEC. 3739. No Member of or Delegate to Congress shall directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined \$3,000. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same when demanded by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum of money so advanced.

SEC. 3740. Nothing contained in the preceding section shall extend, or be construed to extend, to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of [or Delegate to] Congress, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

SEC. 3741. In every such contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no Member of [or Delegate to] Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania [Mr. PENROSE].

Mr. CARMACK. Mr. President, I shall make no objection to the motion of the Senator from Pennsylvania, but I want to say

that one or two Senators have indicated a desire to address the Senate upon this resolution, who did not expect it to come up to-day and are not prepared. They would, therefore, like to have it go over. If that is satisfactory to the Senator from Pennsylvania, I should be glad to have the resolution go over until to-morrow, and then be disposed of according to his motion.

Mr. SPOONER. Mr. President, I suggest to the Senator that notice has been given by the Senator from Alabama [Mr. MORGAN] that he will address the Senate on his resolution to-morrow immediately after the conclusion of the morning business, and the pending resolution had, therefore, better go over until the day after to-morrow.

Mr. CARMACK. That will be perfectly satisfactory to me.

Mr. PENROSE. I am perfectly willing to let the resolution go over with the understanding that it will be disposed of when it comes up again.

Mr. CARMACK. I am satisfied it will be, Mr. President. I simply want to add a few words on this matter.

I do not think the Senator from Massachusetts [Mr. LODGE] is justified in what he says with regard to the incompetency or the inefficiency of Congressional committees in the matter of investigations. I think when a Congressional committee has entered upon an investigation with a determination to make a real and genuine investigation it has been a thorough investigation, and I think the history of Congressional investigations will sustain that view.

There is one thing that may be said with reference to Congressional investigations of charges affecting the Executive Departments of the Government, and that is that in the nature of things it is more likely to be an honest, earnest, and impartial investigation than an investigation conducted by the Executive Department itself or by the Executive.

Every Department in the city of Washington is under the constant supervision of the Chief Executive, who is charged in the Constitution with the duty of taking care that the laws are faithfully executed. Wherever the law has been unfaithfully executed, wherever there has been a systematic violation of the law, it argues lack of diligence on the part of the Executive, and it constitutes an accusation, a charge of negligence, at least, against the Executive. So in conducting an investigation into a wrong perpetrated by the officials of any Executive Department of the Government the Executive is investigating an accusation against himself with reference to his own subordinates. Congress is in no such position.

I do not charge that there has been any disposition on the part of the Executive to conceal any facts, but I know there have been indications that the Postmaster-General was not in sympathy with this investigation. It has been reported in the newspapers that he described the Tulloch charges as hot air, and that he uttered some very denunciatory epithets with respect to the author of those charges. We know that the investigations thus far made have disclosed a surprising state of rottenness in the Post-Office Department, and we know from the statement of the Conrad-Bonaparte commission that further investigation is needed. We are not proceeding upon mere rumor. It is not necessary for a committee to report whether or not there is anything in these charges and to give us information whether any investigation is needed. We know that there has been a condition of rottenness in the Post-Office Department, and we know from the investigators themselves that further investigation is needed, and the only question is whether or not we shall have an impartial investigation by a committee of the Senate.

The Senator who made the request of me a few moments ago has withdrawn his request, and we can now dispose of the motion.

Mr. SPOONER. Mr. President, I desire to say a word in reply to the Senator from Tennessee [Mr. CARMACK], and only a word, and that is as to his reference to the Postmaster-General. I shall have more to say upon the subject later. I only take the time now to say that he does great injustice, unintentionally, I know, to the Postmaster-General, and that so far as the investigation covered by the Bristow report is concerned no man ever held a public office more completely in sympathy with a merciless investigation, most searching and rigorous, or from day to day and from hour to hour placed the resources of his Department and his position at the command of those who were conducting in detail the investigation. I shall be glad to prove that to the satisfaction of the country before this debate is ended.

Mr. CARMACK. Well, Mr. President, it ought to be proved.

Mr. SPOONER. It does not need to be proved.

Mr. LODGE obtained the floor.

Mr. CARMACK. Will the Senator from Massachusetts allow me for just a moment?

Mr. LODGE. Certainly.

Mr. CARMACK. I do not propose to make any charges against the Postmaster-General in regard to this matter, but I do say it

has been reported and published in the newspapers, and so far as I have heard it has never been denied, that the Postmaster-General in the beginning pooch-pooched these charges and described them simply as hot air, and characterized the author of the charges as a slanderer and a calumniator.

Mr. SPOONER. That refers to what are denominated the Tulloch charges?

Mr. CARMACK. Yes, the Tulloch charges.

Mr. SPOONER. I am referring to the great body of the charges covered by the investigation made under the direction of the Fourth Assistant Postmaster-General. I shall have something to say about the Tulloch charges so far as concerns their relation to the Postmaster-General. But the Postmaster-General sat in his seat day after day, in the utmost of ill health, as devoted in an effort to investigate and arrive at the truth, that that Department might be purged of every element of graft, if I may use that word, or of infidelity in the discharge of public duty, as any man in the world could be.

Mr. CARMACK. I want to say that I do not mean to intimate for a moment that the Postmaster-General had any complicity in any of the wrongs which were perpetrated in the Post-Office Department.

Mr. SPOONER. No.

Mr. CARMACK. I do not mean to intimate that he had any sympathy with the wrongdoing. The suggestion attributed to him in this statement was a lack of diligence in investigating charges that had been made and a disposition to cast them aside, showing, not that he had any sympathy with the wrongdoing in his Department, but that he felt that there was no necessity for an investigation, and if it had been left to him there would have been no investigation.

Mr. SPOONER. The Senator from Tennessee is not acquainted with the facts.

Mr. CARMACK. Perhaps I am not altogether acquainted with them.

Mr. SPOONER. Of course he need not acquit the Postmaster-General of having had complicity in the frauds.

Mr. CARMACK. I am simply trying to acquit myself of having made that charge.

Mr. SPOONER. Yes. He practically says the Postmaster-General had no sympathy with the wrongs perpetrated, but possibly had sympathy with the wrongdoers.

Mr. CARMACK. I did not say that, either.

Mr. SPOONER. Practically that.

Mr. CARMACK. Not practically that, either.

Mr. SPOONER. It is easy to impugn the good faith of public officials. It ought not to be done in this body as to an officer amenable in the last analysis to this tribunal.

Mr. President, I will show, as to the Postmaster-General, that long before the investigation was instituted he took steps to secure an appropriation of money to pay the expense of conducting it, and that no step of that investigation was taken except by his order and with his thorough sympathy and every personal and official help.

I know my friend the Senator from Tennessee would not willingly do injustice to any man, and I have said, and felt constrained to say what I have said, not for any motive on earth other than promptly to disclaim for the Postmaster-General the inference from that which fell from the lips of the Senator from Tennessee. I acquit him of any purpose to do injustice to the Postmaster-General, but now that the subject has arisen I doubt if the debate on the resolution will be finished day after tomorrow. I want to devote a little attention to the phase of the subject which has been alluded to by the Senator from Tennessee, and I will.

Mr. BURROWS and Mr. CARMACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] has the floor.

Mr. BURROWS. I was about to ask the Senator from Massachusetts to permit me for a moment?

Mr. LODGE. Certainly.

Mr. BURROWS. I hold in my hand the memoranda of the President, in one part of which reference is made to the Postmaster-General, which I think will be found to be in conflict with the suggestion of the Senator from Tennessee. I will read it:

It appears that in December, 1902—

Long before this investigation was inaugurated—

Postmaster-General Payne and Congressman E. F. Loud, chairman of the Committee on the Post-Office and Post-Roads, held various consultations regarding the postal service, and as a result of these interviews it was determined that as soon as possible after the necessary appropriations to be made by the Congress an investigation should be made of the service, both Messrs. Payne and Loud agreeing as to the need for the investigation and the time when it should take place. Accordingly, an increase of \$5,000 in the appropriation bill reported in January was made for the express purpose of carrying on the investigation in question. The reasons for the increase in the appropriation were known only to the Postmaster-General, to Congressman Loud, and to Congressman Bromwell.

Mr. Loud was chairman of the Committee on the Post-Office and Post-Roads of the House.

So it appears from the memoranda of the President that long before this investigation was begun the Postmaster-General, together with the chairmen of the two committees, consulted in regard to it and asked an appropriation for the very purpose of making the investigation.

Mr. LODGE. Mr. President, I do not want to be misunderstood in what I said in regard to Congressional investigations. I of course did not refer to investigations relating to legislation or the subjects of legislation. With those I think Congressional investigations are not only necessary, but, as a rule, are extremely important and valuable. I was referring to investigations for the purpose of discovering crimes and misdemeanors in the service, and I say those investigations as a rule, so far as my observation goes, are pretty worthless.

A committee of the House investigated Mr. Machen. A committee of the Senate investigated Mr. Machen, and they both cleared him at the very time when he was engaged in the precise practices for which he is now under indictment, those practices having been discovered by the departmental investigation.

Now, it may be very necessary for the Committee on Post-Offices and Post-Roads to take up this investigation, but it seems to me a too important matter to be settled by a few speeches in the Senate, and that it requires the careful consideration of a committee. That was the whole point I desired to make. If after the committee have considered it they conclude that an investigation is necessary, it will be held, or, after the Senate hears from the committee on the subject, this body can then decide whether one shall be held.

Before I sit down, Mr. President, I wish to say, in reference to the remarks made about the Postmaster-General, that he not only directed this investigation; that it was not only made under his order, but that within my own personal knowledge, at the risk of his health and in physical discomfort at times during the past summer, he caused the investigation to be pushed in every direction, and he has not flinched from any part of it. He and his very able assistant, Mr. Bristow, have carried it to the utmost extreme in every direction in the service. I am sure that is the case, and although it is not my place, perhaps, to say anything about it, still as a member of the Committee on Post-Offices and Post-Roads I wished, as his conduct had been called in question, to bear my individual testimony to these facts.

Mr. TELLER. Mr. President, it seems to me it is rather unfortunate that we can not consider a matter of this kind without giving it a personal and political aspect. I desire to disclaim as well as I can—and I thought I had done so, but desire to do it again—any intention to reflect upon any executive officer whatever. I am speaking now of the Postmaster-General and the heads of Departments, and not the subordinates. I have not complained—and I wish to make that clear—and I am not now complaining that the examination was not made in time, nor do I question that it originated just as the Senator from Michigan [Mr. BURROWS] showed that it did. The appropriation was made, and it was understood that there was to be an investigation.

But I simply insist that the Senate shall not abandon its right to make an investigation at all times whenever any member of the body believes it ought to be made. Of course we shall sometimes make examinations and investigations without any benefit or advantage to anyone, and perhaps without getting at the truth, as very likely did the investigation made by the committee, as shown by the Senator from Massachusetts [Mr. LODGE]. We may make investigations and fail to arrive at a just conclusion. But that is not the point in the controversy. The point is whether, when charges are made, we shall sit still and say they are worthless and not to be considered and decline to go into an investigation of them.

Mr. CARMACK. The Senator from Massachusetts referred to the fact that there had been a sort of an investigation of Mr. Machen made by a committee of Congress, and they discovered nothing at all.

Mr. LODGE. One was made by both Houses.

Mr. CARMACK. Both Houses?

Mr. LODGE. One by the Senate and one by the House.

Mr. CARMACK. By separate committees?

Mr. LODGE. By separate committees.

Mr. CARMACK. That fact constitutes a greater impeachment of the executive and of the efficacy of executive investigations than it does of investigations by committees of Congress, because Mr. Machen and that whole Department were constantly and always, every day and every hour, under the supervision of the executive and subject to its examination all the time, and the executive is charged in the Constitution with the express duty of seeing that no such things are done. Yet they were done. Shall you blame Congress because a committee, at that time suspecting nothing, and relying upon the efficiency of the executive, failed

to find anything wrong, when the Chief Executive and the Postmaster-General and all the other executive officials, charged in the Constitution with making these examinations all the time, exercising constant supervision, had never found anything wrong?

Mr. President, just one word more in regard to Postmaster-General Payne. This discussion grew out of an incidental remark of mine. The Senator from Wisconsin is right in supposing that I do not wish to do any injustice to the Postmaster-General. I have not charged him with any complicity in any of these matters. I do not mean to charge him with any sympathy with these crimes and misdemeanors or with the criminals themselves. If I did any injustice to the Postmaster-General, it was in misquoting him. If I quoted him correctly in saying that he described the Tulloch charges as "hot air," and that he spoke of the author of them as a calumniator and a slanderer, whereas it has been subsequently demonstrated that the charges are true—if he did that, and it has not been denied that he did, then he did show in the inception a lack of sympathy with the investigation. He may have had, to him, good reasons for believing that there was nothing in the charges. He may have believed that his predecessor had looked into the matters, and trusted to him. If that is true, it simply carries it one step backward. It will to some extent relieve the present Postmaster-General, but it will still show carelessness and inefficiency at the very head of the Post-Office Department of the Government.

Mr. SPOONER. That there has been inefficiency of administration nobody will dispute. It began under Mr. Cleveland's Administration. He was an honest man in administration. It began while Mr. Bissell was Postmaster-General. He is dead now. He was an honest man. It does not follow in every instance, although greatly to be deplored, that you can charge the Postmaster-General with inefficiency because there happens to be in an army of employees some man who can not resist temptation or some man who is inherently vicious.

There have been defalcations occurring in the States under Republican administrations and under Democratic administrations. There was one in Maryland some years ago. They had one in Tennessee some years ago. That was not any justification for the impeachment of the administration generally.

Mr. CARMACK. I do not know, Mr. President. I think it was. I think if a proper investigation had been made, the defalcation which occurred in Tennessee would have been discovered many years before.

Mr. SPOONER. That was a Democratic administration.

Mr. CARMACK. I am not making a partisan matter of this.

Mr. GORMAN. Mr. President, to the suggestion made by the Senator from Pennsylvania [Mr. PENROSE], the chairman of the Committee on Post-Offices and Post-Roads, that these various resolutions for an investigation shall be referred to that committee, I shall not object, in view of the Senator's statement that the committee will act upon the resolutions promptly and report them back to the Senate. I know the earnestness of that Senator and his very great desire that this investigation shall be proceeded with under a proper resolution.

Mr. President, I desire to call the attention of the Senate to the fact that the debate to-day emphasizes the necessity for this investigation. I have not had any desire, and I am quite sure that neither the Senator from Tennessee nor any other Senator on this side had any desire to investigate any particular officer of the Department. It is much broader than that in my view. This corruption has crept into the Department by degrees, probably under both Administrations or three Administrations. It has been the outgrowth of legislation giving to the officers of that Department greater power in the expenditure of money and the fixing of salaries than in any other Department of the Government until it reached the point where the men who were themselves corrupt have exposed the corruption.

It has not ended with this report, in my judgment. Only half has been told. The importance of an investigation will be not so much in exposing the corrupt officer as in providing by law methods to prevent the recurrence of the wrong in the future.

Mr. SPOONER. Will the Senator from Maryland allow me?

Mr. GORMAN. Certainly.

Mr. SPOONER. Does not the Senator think that that ought to be supplemented by periodical searching investigations by Congress?

Mr. GORMAN. I do; but I am content to deal with this present question.

I want to say that I have no acquaintance whatever with the present Postmaster-General. He has but recently entered that office. It was impossible for him, under the conditions, to have been a party to any of this fraud, unless it was within three or four months of the time when it was exposed. I do believe, from a careful investigation and from reading all the documents which we have been permitted to have, that the inference which has been

drawn by the newspapers and by many of us has been drawn through no fault of ours, but results from the injustice done to the Postmaster-General by the President himself, if injustice has been done.

It is true that in this memorandum the President states that Mr. Payne and Mr. Loud and one other Member of Congress secured an appropriation of \$5,000 to make this investigation, and again that the Postmaster-General was consulted with when the Assistant Postmaster-General was selected to make it. But following that, knowing, as the President does, his Cabinet officers, he gives to a Mr. Seckendorf, a very intelligent editor of a newspaper, and a Mr. White, unknown to me (whether or not he has an official position I do not know), the whole credit of furnishing evidence that there was corruption by Beavers and others; and naturally the inference of the public press and the inference drawn by a great many who want to be entirely just to the Postmaster-General was that his own chief had passed him over in such a way as, I think, reflected upon the activity or desire of the Postmaster-General.

I accept what the Senator from Wisconsin says as to his activity in this matter. It ought to be brought out, and if it is as he has stated it, all the Senators on the floor, undivided by this aisle, will be perfectly willing and will be glad to do the Postmaster-General justice. This trouble arises from his own household.

Mr. President, I wish to call the attention of the Senate to the fact that now, for the first time since I have been a member of this body, there has been an apparent determination on the part of the Senators on the other side to prevent us from having officially sent here statements that have already been made. Twice in the early hours of the extra session the Senator from Tennessee [Mr. CARMACK] attempted to secure the passage of a resolution by which this investigation should be properly made. The Senator from Pennsylvania [Mr. PENROSE], the chairman of the committee, also attempted it, and I also upon one occasion.

Every time a resolution has been offered providing for a fair investigation, with those on the other side of the Chamber constituting a majority of the committee, and only a minority from this side participating to cross-question the witnesses and ascertain the facts, the junior Senator from Massachusetts [Mr. LODGE] has been foremost to throttle any investigation and to prevent us from having officially documents already published elsewhere. Why is it, Mr. President, when we ask that this document, which has been sent to a committee of the House of Representatives, be printed as a public document, so that every Senator may obtain a copy, an objection has been made and the resolution lies upon your desk unacted upon? For a month and a half we have asked you to give us only information known to be in existence, and the denial has been as prompt as it was possible. So with every resolution asking for information that would enlighten the body on the measures upon which we are to act. Such resolutions have been suppressed in this body, in my judgment, for the first time in its history. Can it be that the party in power are afraid of having daylight turned upon their acts? Why is it that you prevent us from getting from the State Department or the Post-Office Department that which is official which would show misconduct on the part of officers of this Government?

Mr. SPOONER. What Department?

Mr. GORMAN. Every Department from which we have asked information so far. The only explanation I can conceive of is contained in the remarks of the Senator from Massachusetts yesterday—his great desire for the welfare of the Democratic party, that it shall not make any more mistakes. He is so anxious for our success or for our well-being that he wants to suppress all the facts, all the frauds and rascality in the Post-Office Department, and he would exclude us from a sight of the orders and messages and correspondence of the State Department.

Well, Mr. President, the majority of the Senate, nearly two-thirds on the other side, may continue to suppress information; but there is a great power in the country, the press, that will get in some shape a statement of the facts that exist. The tendency naturally and inevitably will be, as in this matter of the Postmaster-General, that inferences may be drawn which are not supported by all the facts; but the country will believe that a great party as long in power as you have been that denies us the information which is official must be in such a condition that it ought not to be trusted by the people of the country.

Now, sir, I accept the statement of the chairman of the Committee on Post-Offices and Post-Roads that this resolution shall go before that committee merely for the purpose of perfecting it, so as to cover all branches of the proposed investigation, and that it will be had; and I trust that from this day forward ordinary resolutions of inquiry, couched in proper language, will be granted to us, as has always been done in the Senate.

Mr. LODGE. Mr. President, I am extremely sorry that the few humorous remarks I permitted myself in speaking about the

Democratic party yesterday so annoyed the Senator from Maryland.

Mr. GORMAN. Oh, not "annoyed."

Mr. LODGE. But I suppose he really can not bear to hear me make fun of the last Democratic President.

Mr. President, it is quite true that the Republican party has nearly a two-thirds majority in the Senate. They are responsible, while they have the majority, for what is done, and while they have the majority and the power they propose to do the business of the Senate in their own way. They are not afraid of the daylight; still less are they afraid of the Senator from Maryland; and least of all are they afraid of that old, stale, withered talk about "suppressing information." There has been no information suppressed on any subject, but the Republican party in control of the Senate proposes to ask for information in its own way when it is asked for by the Senate.

The Senator from Maryland spoke of our objection to having the document he held up printed. We did not object to having it printed, but he had seen fit to change it and asked in his resolution for matters that were not in that document.

Mr. GORMAN. Mr. President, the Senator of course does not intend to make a misstatement.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield?

Mr. LODGE. Certainly.

Mr. GORMAN. There is nothing in the resolution which calls for the printing of anything except the identical matter in the document.

Mr. GALLINGER. We gave consent for that.

Mr. LODGE. When I said, "Very well, print that document; we have no objection to it," the Senator from Maryland did not want it. He had some additions made to it. What they were I did not know—

Mr. GORMAN. No, Mr. President—

Mr. LODGE. And I thought I had a right to know before I voted to ask for them.

Mr. GORMAN. I am sure the Senator does not desire to make a statement that is not entirely accurate. What I said was that I had asked for nothing except what was in the document, but that I desired to ask it from the Department, as the document I held in my hand was a communication only to a committee of another House, and I wanted to hear from the Department officially. That is the reason I gave.

Mr. LODGE. The resolution, as I understood it, included additional matter not included in the document which the House had printed.

Mr. GORMAN. Not at all.

Mr. LODGE. If I can put my hand on the RECORD, I will show that I at that time assented to it.

Mr. GORMAN. All right.

Mr. LODGE. I have not had the least objection to the resolution submitted by the Senator from Pennsylvania [Mr. PENROSE]. Here is what happened on that day:

Mr. LODGE. Very well, let the Senator from Maryland ask for a reprint of the House document.

Mr. HALE. That is it.

Mr. LODGE. That is easily done. I have no objection to that, of course.

Mr. GORMAN. It is not a House document. It is a communication to the Committee on the Post-Office and Post-Roads of the House, which has been printed and circulated. All I desire, I repeat, as there is no matter—

Mr. LODGE. Very well; have that document reprinted.

Mr. GORMAN. But it is not in the form of a document.

Mr. LODGE. It has a name, I suppose, of some sort.

Mr. GORMAN. The Senate ought to have it direct from the Department. It will be nothing in the world except to transmit to the Senate this private print, and there is no single item of inquiry made in the resolution that is not in this document—

Mr. LODGE. I understood—

Mr. GORMAN. Including the Bonaparte report.

Mr. LODGE. I understood the Senator from Maryland to say that it is a document in the possession of the House.

Mr. GORMAN. It is in the possession of a committee of the House.

Mr. QUAY. Mr. President, I object to the consideration of the resolution.

There was every opportunity to print that document exactly as it stood, and I understood the resolution to call for additional matter. That is why I asked the question I did.

The resolution did not go over on my objection, but I entirely sympathized with the objection made.

The Senator from Pennsylvania [Mr. PENROSE] introduced a resolution here, which I entirely agreed to, proposing that the committee should call for all the papers and then, after they had considered them, they should decide whether an investigation was necessary. To that the Senator from Maryland [Mr. GORMAN] proposed an amendment, which provided that we should investigate every portion of the Post-Office Department.

It has taken a trained force of inspectors some eight months to investigate one branch of the Post-Office, and we were called upon by that amendment of the Senator from Maryland to investigate the whole Department with a view to discovering wrongs and

misdeemeanors, and by that amendment, if it had been adopted, the committee was compelled to make its report in May, less than six months away. Of course it is not to be supposed that that had any reference to the coming election, because we know that this is proposed by the Senator from Maryland simply in the interests of the public service and for the protection of the honor of the country and the honor generally of the Administration. But we were to have it out by the month of May.

Mr. SPOONER. Or quit.

Mr. LODGE. Or quit, as the Senator from Wisconsin observes.

Mr. CARMACK. Will the Senator from Massachusetts permit me a question?

Mr. LODGE. Certainly.

Mr. CARMACK. I should like to ask the Senator if his objection to having a report as early as May had any reference to the coming election?

Mr. LODGE. My objection was to having an incomplete investigation, if one was entered on. It has taken eight months for trained inspectors to investigate one branch. If you are going to investigate it at all, and a committee are to do it, you must not tie their hands and make them come in with a partial report. All they may have done up to that time will be public; but you can not bind them in the way you propose, because it shows you do not mean a thorough investigation, that all you are after is a little campaign capital.

Now, there is nothing in this that I have the least objection to having investigated and torn open as much as possible. It has all been done in one branch under the present Administration. All the facts we have and that have been read here to-day have come from a Republican Assistant Postmaster-General under an investigation directed by a Republican Postmaster-General. It is we who have probed it to the bottom and carried it back through more than one Administration, even to the last Administration of Democratic reform, where we find Mr. Machen originated.

Mr. President, let us have all the daylight there is. There is not a document that I am not willing to have from any Department at any time; but I do say, and I say without hesitation, that what we shall ask for and the way we shall ask for it is in the hands of the responsible majority of this Chamber, and we do not propose, at least I for one do not propose, to submit to having that responsibility taken out of our hands. If there is an inquiry to be made and questions to be asked, they shall be asked in a way which the majority approves and not in a way dictated by the leader of the minority.

I believe that the party in power, which is responsible for the Government and responsible to the people, and ready to face the people on this and all other questions, should have that power in the fullest degree. They should assume it, and should bear the responsibility for it. If they allow anybody else to come in and act for them, then they are indeed without defense.

I object, and I shall object, to any resolution which I think improper in form, which I think asks for papers in a way they should not be asked for, or for information already before us. I shall vote for resolutions which accord with the views of the party on this side, which is responsible for the Government; and no cry about stifling investigation and shutting off the light, the old talk that we have heard here year in and year out about first one thing and then another, is going to deter me, or, I believe, my colleagues, or have the slightest effect on my action or my vote on this floor.

Mr. TELLER. Mr. President, I do not desire to prolong this debate, but I think this is a good time to enter a caveat as to one statement of the Senator from Massachusetts.

I myself recognize the fact that in existing conditions here the Republican party can secure and can defeat any legislation that they desire, and that without much reference to the individual consideration of the subject by the Senators, because I understand from what the Senator says now, and from what you have done, that the caucus will settle for us what shall be the proceeding in this body.

Mr. SPOONER. We have no caucus.

Mr. TELLER. Mr. President, the Senator from Wisconsin says they have no caucus. It is barely possible they have a leader on the other side who is so persuasive in his methods that he manages to secure the united body in a way that I will venture to say those who have had a long service in this body never saw the equal of before. In the last two years, or nearly so, there has been upon every question of any consequence, and innumerable questions of no consequence, a united Republican Senate, as we saw it the other day, with one single dissenting voice. Does anyone in this country believe that every Senator who voted for that bill on the other side of the Chamber, save the one from California, voted for it willingly, cheerfully, and because of his conscience? Mr. President, we know very well the influence of party upon a vote of that kind.

Mr. SPOONER. Mr. President, what about the votes for the bill on the other side? Were they influenced by Republican leadership?

Mr. TELLER. The votes on the other side were divided according to individual opinion. They were not divided according to the individual opinion—

The PRESIDENT pro tempore. The Senator from Colorado will please suspend. The Chair lays before the Senate the Calendar of General Orders.

Mr. TELLER. What is the General Order?

The PRESIDENT pro tempore. The first General Order relates to this very question. It will be read to the Senate.

Mr. TELLER. Then I suppose I will be in order to proceed.

The PRESIDENT pro tempore. The Secretary will state the first General Order.

The SECRETARY. Order No. 12, Senate resolution 27, submitted by Mr. PENROSE December 1, 1903, reported by Mr. KEAN December 7, 1903, from the Committee to Audit and Control the Contingent Expenses of the Senate, instructing the Committee on Post-Offices and Post-Roads to request the Postmaster-General to send to the committee all papers connected with the recent investigation of his Department, etc.

Mr. TELLER. Mr. President, I do not care to continue this discussion. What I wanted to say, and I want to say it now once for all, is that while the Republican party is in power and while the country will hold them to some extent responsible for legislation or a failure of legislation, yet I do not like to see a Senator stand on the floor and practically say: "Why, you have on the other side nothing to do with this question. We are going to settle this matter. We are the party in power. We have got the votes, and if you do not like it, in the language of old Tweed, 'What are you going to do about it?'"

Mr. LODGE. I trust the Senator does not mean to misstate what I said.

Mr. TELLER. I do not mean to misstate it.

Mr. LODGE. I said I did not for one think that the minority had any right to dictate to us what we should do.

Mr. TELLER. Mr. President, we have no right to dictate, nor have the majority a right to dictate to us. Every Senator on this floor should act upon his judgment and his conscience.

Mr. SPOONER. That is right.

Mr. TELLER. Every Senator is the equal of every other Senator on this floor when it comes to a question of determining what he shall do. I can not avoid my responsibility by saying there is a majority here that is determined to do a certain thing. My duty here requires me to enter my protest, and to enter it exactly in the same way when I know what the conclusion shall be as when I do not. I have seen a majority go into a minority under discussion in this Chamber.

The PRESIDENT pro tempore. The Chair dislikes very much to interrupt the Senator from Colorado, but if he will pardon the Chair, there are three other resolutions lying here on the table, and unless some disposition is made of them, as has been heretofore made, they will go to the Calendar.

Mr. GALLINGER. I ask that they may go over without prejudice.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that these resolutions, one offered by the Senator from Maryland [Mr. GORMAN] on the 19th ultimo, another offered by the Senator from Maryland [Mr. GORMAN] on yesterday, and one offered by the Senator from Tennessee [Mr. CARMACK], which was under consideration when the hour of 2 o'clock arrived, shall go over without prejudice, holding their places for to-morrow. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. TELLER. Mr. President, in my judgment nothing more unfortunate could happen to the American people than to have this body or the other composed of all the partisans of one political party. It would be almost impossible in this country to have such a condition. It is equally unfortunate, Mr. President, when there is a majority so great and when their methods carry the minority, who might resist and differ with the great majority, as to practically cut out the opposition or minority from having any voice in legislation. I do not believe there is a Senator here of long experience who does not agree with me that it would be exceedingly unfortunate if there was no minority in this Chamber.

Mr. President, I have been here long enough to see a Democratic majority, and a considerable Democratic majority, in this Chamber, and a Democratic majority in the other House of 148. It was not a healthy condition then. It is not a healthy condition now, when one of the political parties gets such absolute control. I want to enter my caveat in the strongest language I can that the majority, great or small, on the other side of the Chamber does not absolve any man from doing his duty on this side of the Chamber.

Mr. CARMACK. Will the Senator permit me a moment?

Mr. TELLER. Certainly.

Mr. CARMACK. I suggest to the Senator that the idea advanced by the Senator from Massachusetts was at one time carried to such a length as to result in the practical declaration of that Senator that the minority party had no right here, even when by uniting with the minority on the other side of the Chamber it became a majority of the Senate, and that members on the other side were justified in filibustering to prevent such a majority from having its will on this floor.

Mr. TELLER. We had an example of that during the last Congress. I am not going into that. I wish simply to enter my protest against a sentiment that has prevailed here the last two years, and that has prevailed somewhat in the minds of the editors of the public press of the country. I want to enter it before it grows any stronger, and to say, at least for myself, that I feel the responsibility of a Senator here as much in the minority as I ever did when I sat in the majority, as I did for the greater part of my public service.

Not long since one of the great Republican papers of the United States addressed a letter to me with reference to a public question, and for the first time in my life I answered such a letter. I have been in the habit of ignoring letters of that kind. Then it returned to the question and said, "It does not make any difference what Senator TELLER thinks about it; he has no responsibility; he is in the minority, and therefore it is no matter what he thinks or what he is going to do."

Mr. President, that is not a true statement. It is not proper legislation to say that we on this side of the Chamber shall remain mute; that if we think investigations are required we shall not have the right to offer resolutions creating them. It is true that the other side may put them in such shape that there shall be no benefit derived from the investigation. It is true that they may put on the committee a majority of their members who may not make a fair report. Yet it is our duty to make the effort, if we think the investigation ought to be made, and we do not absolve ourselves from duty to our constituents by saying, "We could not effect anything; therefore why should we proceed?"

Mr. President, some of the greatest debates that have ever taken place in this body, some of the most important debates in the interest of human liberty and good government, occurred on this floor when there was a small, intelligent, patriotic, liberty-loving minority, who stood here and defied the powers that then had control of this great Government. We are indebted, in all the history of the world, much more to the minority for the success of freedom and liberty and good government than we ever were to the majority, because the minority has compelled by force, year after year, in the last five hundred years concessions from the majority that never would have been made but for the minority.

A vigorous minority, an intelligent minority, a patriotic minority, is essential to the maintenance of a free representative government. It can not be maintained, and it never has been maintained, when the people forgot that it was their duty to assert their principles everywhere, although they might not command for the time being the plaudits of the multitude.

Mr. President, we will yield to the majority when it registers its vote; but we will only do it when it does register its vote. We will not yield the right to debate; we will not yield the right to amend, if we can, and to propose legislation here as if we were in the majority. No man on this side of the Chamber who properly understands his duty will refrain, any more than he would if he was in the majority, from offering any amendment, or any bill, or any measure, or any project that he believes ought to pass.

So I repeat, I hope the Senator from Massachusetts will not make any more charges of that kind against us. We will admit that you may go on, and you may outrage us if you see fit; you may pass legislation here that ought not to be passed; but we will reserve the right to enter our protest, and the public expects us to enter our protest. You represent the majority of the States, but you do not represent them all. Every State you represent has some men who do not agree with you on the fundamental questions that are now agitating the public mind.

You may think it is your duty to represent only those of your political organization. I have never conceived it to be my duty. I believe it to be the duty of the representatives on this floor to represent the great fundamental principles of our Government and to stand for them, not, Mr. President, with a mere mouthing about being an American, which means absolutely nothing unless you stand for American principles.

Mr. President, I do not care to be apparently out of order in discussing this question, although I do not know but that I am entirely in order. However, this is all I care to say on the subject.

Mr. SPOONER. Mr. President, I want in a word to express my great gratification for one over the remarks in part which the Senator from Colorado [Mr. TELLER] has submitted to the Senate as to the individual duty of a Senator. He has spoken

words of truth and soberness. I recognize in the Senator a man of great ability and wisdom, as he is a Senator of great experience; and I wonder sometimes how a Senator of so great ability and so great wisdom and experience can get so far away from what seems to me to be a wise and righteous thing for the Senate to do. That, however, is a difference of opinion.

The Senator from Colorado will not controvert the statement I made sotto voce to him, that we have no caucus in the strict sense of the word, in substance or in fact, on this side of the Chamber, and never have had, Mr. President, since I have had the honor to be a member of this body. I have attended conferences in the old days when the Senator from Colorado was one of the leaders in this Chamber of the party to which I belong, and I have heard him state, as he has heard me state, in a Republican conference that he would not be bound by the action of a majority on the question then under debate.

We meet to discuss; we try to persuade our colleagues to a particular view; but the caucus never binds the conscience or the judgment, and that is the underlying understanding of any Senator who attends it. Am I right, I ask the Senator from Iowa?

Mr. ALLISON. Absolutely.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. TELLER. I did not intend to question what the Senator said.

Mr. SPOONER. I know the Senator did not. I am explaining what I said, and I said you did not.

Mr. TELLER. I agree with the Senator from Wisconsin that while I was a member of the Republican party no caucus ever attempted to bind—well, I will not say that, but no caucus ever did bind the members, though I have seen it tried.

Mr. SPOONER. The party is just as good now in that respect as when the Senator belonged to it.

Mr. TELLER. Well, I am glad to find there is still some virtue left in that party.

Mr. SPOONER. Mr. President, one thing the Senator from Colorado said especially attracted my attention which is true, and which is too often forgotten, and that is that a Senator of the United States is not here simply a Senator from a State. The Senator from Colorado is a Senator from the State of Colorado, but he is a Senator of the United States; and as a Senator of the United States it is his right and his duty, as it is mine, upon public questions to do in this great arena what, after due deliberation and thought, we think is for the benefit of the whole country. And, Mr. President, I would not hold a seat in this Chamber if it were upon condition that my vote and my action on every measure could be constrained and controlled for me by mere numbers of the party here to which I happen to belong. That is an abdication and surrender, Mr. President, which is not in the public interest; which is not in harmony with individual self-respect, and not in the interest of the people of the country or of the Senator's own sovereign State. He is to be the keeper, under his oath, of his own conscience.

The Senator from Colorado made that broad statement and the Senator from Tennessee called his attention to one case—and there are others—when he spoke of us as massed on all questions on this side behind some persuasive leader. I can recall instances within the last two or three years when Senators on this side upon great public measures, which enlisted great public interest, voted with Senators on that side from a sense of conviction. I am one; the Senator from Iowa [Mr. ALLISON] is another, and there are still others. I would not permit myself to be bound on such a subject by any other man's dictum. The Senator, of course, is right that, although his side are in the minority in this Chamber, they are Senators sworn to discharge the duty of Senators, bound, if they have self-respect, to express their views fearlessly and frankly, and to follow their views by their independent judgment crystallized into votes.

Mr. President, I hope the day will not come when on either side of this Chamber Senators shall be bound upon great questions of public policy, far-reaching in their influence upon the future of this country, to vote not as they think, but as others think.

The Senator from Colorado is right, Mr. President. Senators of the United States are made by the people of the United States. A Senator may be chosen in a State by a party, but when he takes the oath of office he is a Senator of all the people of that State without regard to party.

Although no question I have discussed in these remarks is before the Senate, I could not forbear to express my hearty gratification with and approval of the suggestion of the Senator from Colorado to which I have alluded.

Mr. TELLER. Mr. President, I fear that I may have done injustice to the Senator from Wisconsin—

Mr. SPOONER. No; I did not mean that.

Mr. TELLER. For I do recall former Congresses where that Senator has given many independent votes. What I meant to complain of was that in recent times there seemed to be more of a disposition on the part of Senators on the other side of the Chamber to mass themselves together than had theretofore been the case. I said this was under the persuasive powers of a leader. I do not know any Senator on that side who comes nearer fitting that description than the Senator from Wisconsin [Mr. SPOONER], for I think he is about as persuasive as anybody ever was, and certainly he is always persuasive when he tries to be so on any subject.

Mr. President, I did not mean to say that there were not independent votes on the other side of the Chamber. In the long service of the Senator from Iowa [Mr. ALLISON] who now sits in front of me I recall very many instances where he has voted according to his own independent judgment, and sometimes in opposition to the majority of his party.

I have seen sitting on this side of the Chamber a sufficient number of Senators voting with those on the other side of the Chamber to pass important bills, and I have seen that reversed. I have seen a sufficient number of Senators sitting on this side voting with Senators on the other side—when the Senate was close—to pass important bills. That is what I regard as a healthy and proper condition of public affairs. In all that there was an individual independence—a recognition of individual responsibility that I am contending for. Such a condition will never exist, in my judgment, unless that principle shall be the pervading principle in the mind of every man who sits in this Chamber.

Mr. BURTON. Mr. President, I have just come into the Chamber, and, if it will not interrupt the Senator from Colorado, I should like to inquire just the line of his remarks. Do I understand that he is addressing himself against the action taken by the other side of the Chamber in deciding that two-thirds shall rule in the caucus?

Mr. TELLER. Mr. President, the Senator from Kansas is anxious, it seems to me, to give this discussion a political direction. I, personally, do not know anything about any action on this side, but I know, I will say to the Senator from Kansas, that many years ago, when I attended what was sometimes called a Republican caucus and sometimes a conference, I never yielded my judgment to that of the majority. While I know that this is a Government of majorities and that the majority must rule, yet I never agreed to vote with the majority because there was a majority which wanted a certain vote; and I never expect to do it so long as I sit in this Chamber. For nearly a quarter of a century I have followed my own judgment. I was frequently wrong, undoubtedly, and I might have given wiser votes, perhaps, if I had followed my associates; but when I took the oath of office as a Senator I thought I took it to do my duty here as I understood it and not as somebody else understood it. I did not believe then, and I do not believe now, after having taken the oath six times at that desk, that I can excuse myself for casting any particular vote by saying that my party wanted me to vote in that way, that my party thought that was the right thing to do.

Mr. President, upon questions of mere policy, upon nonessentials, I know that a party must and will naturally act together; but upon great questions of principle it is impossible that all the men of any political party will think alike and all want to go together, and unless they do submit either to the persuasive influence of a leader—which is no better than a caucus—or a caucus, there always will be diversity of opinion.

While I shall not, of course, question for a moment the statement made by the Senator from Wisconsin that the old rule which prevailed for many years in the Republican party is still in existence, nevertheless I wish he would tell me how it happens that in these later days, upon questions as to which there must be naturally differences of opinion, where different interests must exist amongst men coming from different sections, all align themselves together. And sometimes that happens in other bodies—not speaking of it ever happening here—where men who had stood on the platform and advocated one set of principles have ultimately voted for another. Of course I do not charge that to the Senate.

Mr. TILLMAN. But we have had that here time and again.

Mr. TELLER. I do not care about giving it a personal direction at all, but I do know that there has been very recently an exhibition of the most remarkable unanimity that I have ever known in my legislative experience on a question upon which, it seemed to me, there ought to have been diversity of opinion.

The PRESIDENT pro tempore. The Chair is informed that while he was temporarily absent it was agreed that all of these resolutions should go over until Friday morning, except the one offered by the Senator from Alabama [Mr. MORGAN], which is to come up to-morrow morning immediately after the conclusion of the morning business. Is the Chair correctly informed?

Mr. SPOONER. The Senator from Tennessee [Mr. CARMACK] asked that the pending resolution go over until to-morrow, when I ventured to call his attention to the fact that the Senator from Alabama [Mr. MORGAN] had secured unanimous consent that his resolution should come up in the morning immediately after the morning business, that he had given notice he would address the Senate upon it, and I suggested to the Senator from Tennessee that this resolution should go over until the day after to-morrow, to which he acceded. That was the understanding.

The PRESIDENT pro tempore. And that is the understanding of the Senate?

Mr. SPOONER. Let the resolutions go over, Mr. President, until the day after to-morrow.

The PRESIDENT pro tempore. It is the understanding of the Senate, as the Chair understands, that all of these resolutions, except the one offered by the Senator from Alabama [Mr. MORGAN], shall go over until Friday morning; and the one offered by the Senator from Maryland [Mr. GORMAN] on yesterday retains its place as a resolution to come up hereafter. It will be displaced to-morrow by the resolution of the Senator from Alabama.

Mr. GORMAN. It will; and therefore I ask that it may be included in the general order and go over until Friday.

The PRESIDENT pro tempore. If there be no objection, that resolution will be included in the general order. The Chair hears no objection.

Mr. GORMAN. Meantime, Mr. President, I ask unanimous consent—

The PRESIDENT pro tempore. The Chair does not wish to have any misunderstanding about this matter. Since 2 o'clock the Senate has been discussing the first resolution on the Calendar of General Orders. Is that resolution included in the unanimous-consent agreement as to the others?

Mr. GORMAN. Oh, no, Mr. President. I trust the resolution I offered December 19, if there is no objection to it, may now be considered and passed. It provides merely for a reprint of this document and asks the Post-Office Department to send it in officially. I think that there is no objection to that, and therefore I ask that that resolution may be voted on. I trust it will be adopted now.

Mr. PLATT of Connecticut. Which resolution is that? Let us know what it is.

Mr. ALDRICH. Has there been any suggestion that that resolution should be taken from the Calendar?

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. PENROSE] made a motion that all the resolutions touching the Post-Office Department be referred to the Committee on Post-Offices and Post-Roads. That motion was made before 2 o'clock, and it will be the pending motion, the Chair supposes, on Friday morning instead of to-morrow morning, because by unanimous consent the resolution of the Senator from Alabama [Mr. MORGAN] comes up to-morrow immediately after the morning business. Now, what the Chair wishes to know is whether the resolution upon which the discussion has taken place is to be included or is included in the unanimous-consent agreement; otherwise it stands at this moment as the unfinished business.

Mr. ALDRICH. Let it go over as the unfinished business.

Mr. GORMAN. Mr. President, the resolution, if the Chair will kindly have it read, is the one proposing merely a reprint of the document which has been laid before the other House. The resolution simply asks the Postmaster-General to forward it officially to the Senate and have it printed. I understand there is not the slightest objection to it.

Mr. SPOONER. Let it be read, Mr. President.

The PRESIDENT pro tempore. The resolution first on the Calendar of General Orders will be read.

The Secretary read the resolution submitted by Mr. PENROSE December 1, 1903, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads, in view of the charges of corruption, extravagance, and violations of law in the administration of the affairs of the Post-Office Department, is hereby authorized and instructed to request the Postmaster-General to send to the committee all papers connected with the recent investigation of his Department and if necessary to make further inquiry into the administration of the said Department, and to make report thereon to Congress upon completion of said investigation.

Said committee shall have power to send for persons, books, and papers, examine witnesses under oath, employ a stenographer, and sit by subcommittee or otherwise during the sessions of the Senate or during the periods of its adjournment at such times and places as the committee may determine, and the actual and necessary expenses of said investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. SPOONER. If that is the resolution, it must go over.

Mr. GORMAN. That resolution, of course, goes over under the general understanding, with the remainder of the resolutions. I want to secure the adoption of the resolution providing for a reprint, the resolution stated a while ago. That is the one I offered. Any resolution relating to an investigation, as a matter of course, comes under the understanding and goes over.

The PRESIDENT pro tempore. The Secretary read the resolution which is the first on the General Calendar.

Mr. SPOONER. That is included in the understanding. It goes over.

Mr. GORMAN. That is included, as a matter of course.

The PRESIDENT pro tempore. Is it the understanding of the Senate that the resolution which has just been read is included in the unanimous-consent agreement as to all other resolutions touching the Post-Office Department?

Mr. ALDRICH and Mr. GORMAN. Yes.

The PRESIDENT pro tempore. The Chair hears no objection, and will so understand it. The Secretary will state the next business on the Calendar.

The SECRETARY. A bill (S. 887) for the purchase of a national forest reserve in the southern Appalachian Mountains, to be known as the National Appalachian Forest Reserve.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 7, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 6, 1904.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

FOREST RESERVES.

The SPEAKER. The regular order is the call of committees. The Clerk proceeded with the call of committees.

The Committee on the Public Lands was called.

Mr. LACEY. Mr. Speaker, I call up the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

The SPEAKER. The Clerk will report the bill.

The bill was read.

Mr. HEMENWAY. Mr. Speaker, I should like to have the gentleman from Iowa consent to let that bill go over. There are certain Members of the House who desire to look into it, and possibly to oppose it; or there might be some agreement made about the bill. I should very much like to have the chairman of the committee consent that the bill go over.

Mr. LACEY. It is a unanimous report, Mr. Speaker, but the bill has its place upon the House Calendar and can lose nothing by delay. If the gentleman desires time to look into it, I shall not insist on taking it up at this time.

Mr. ROBINSON of Indiana. I did not gather the force of the gentleman's remarks. I did not hear him.

Mr. HEMENWAY. The chairman of the Committee on the Public Lands does not insist on having the bill considered at this time.

Mr. ROBINSON of Indiana. All right.

Mr. BURKETT. Mr. Speaker, I should like to ask the gentleman a question. I understand this is substantially the same bill that was before the House some time last year.

Mr. LACEY. This bill covers one feature of the bill which was before the House last year. That bill contained several features, and this is limited to only one proposition.

Mr. BURKETT. Last year the Departments were in conflict about it, were they not?

Mr. LACEY. Not at all.

Mr. BURKETT. As I understand it, this bill is indorsed both by the Department of Agriculture and the Land Department of the Department of the Interior. Is that correct?

Mr. LACEY. Yes; that is correct. Last year, however, there was opposition, led by the gentleman from Wyoming [Mr. MONDELL] upon the floor of this House and also very strongly supplemented by the gentleman who now occupies the chair. The bill last year was a combination bill containing a number of propositions. This bill, however, has only the single proposition as to the transfer.

Mr. BURKETT. It makes the transfer in accordance with the request of both Departments?

Mr. LACEY. Yes.

Mr. BURKETT. In accordance with the request of the man who does not want charge of the matter, and also in accordance with the request of the Secretary of Agriculture?

Mr. LACEY. Yes. In accordance with the request of the gentleman from Indiana, I shall not press the bill at this time.

Mr. ROBINSON of Indiana. May I ask the gentleman whether this bill in any way, directly or indirectly, involves the question